

# 106<sup>th</sup> TN General Assembly

## Regular Session



**Tuesday, February 10, 2009**

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### SENATE

#### BILLS / RESOLUTIONS

- SR 0006 by \*Yager**  
Memorials, Death - Clarence G. Charles -
- SR 0007 by \*Norris**  
Memorials, Recognition - National Ornamental Metal Museum, 30th anniversary -
- SJR 0043 by \*Norris**  
General Assembly, Recess & Reconvene - Recesses 106th General Assembly for Presidents' Day holiday from Thursday, February 12, 2009, until Wednesday, February 18, 2009. -
- SJR 0044 by \*Norris**  
Budget Procedures - Authorizes transmittal of the state budget document for fiscal year 2009-2010 prior to the close of business on Tuesday, March 31, 2009. -
- SJR 0045 by \*Yager, McNally, Faulk**  
Memorials, Death - Juanita Hill Baird -
- SJR 0046 by \*Henry**  
Memorials, Recognition - Sylvan Park Paideia Design Center, 102nd anniversary -
- SJR 0047 by \*Henry**  
Memorials, Public Service - William H. "Bill" Frist -
- \*SB 0386 by \*Yager, McNally**  
Courts, Municipal - As introduced, allows certain municipal judges to concurrently serve as municipal recorder and exempts certain municipal judges from certain annual continuing education requirements imposed on municipal judges. - Amends TCA Title 16, Chapter 18, Part 3.
- \*SB 0387 by \*Yager**  
Highway Signs - As introduced, "Mayor Edwin L. Kelley Memorial Highway," segment of State Route 61/State Route 62 (Tri-County Boulevard) within Town of Oliver Springs. -
- \*SB 0388 by \*Gresham (HB 0522 by \*Rich, Shipley, Faulkner )**  
Criminal Offenses - As introduced, provides that escaping from the lawful custody of a law enforcement officer constitutes the offense of escape the same as escaping from a penal institution. - Amends TCA Title 39, Chapter 16, Part 6.
- SB 0389 by \*Gresham (\*HB 0440 by \*McDaniel )**  
Highway Signs - As introduced, "Joe 'Buddy' Bailey Memorial Bridge," State Route 227 in Wayne County. -
- \*SB 0390 by \*Black**  
Taxes, Sales - As introduced, exempts from state sales taxes the purchase and installation of solar and wind energy systems for residential use. - Amends TCA Title 67, Chapter 6, Part 3.

(Senate Bills cont.)

**\*SB 0391 by \*Black**

Animals and Animal Cruelty - As introduced, provides that in animal cruelty prosecutions, if the defendant does not post court-ordered security to pay for expense of caring for the animal within 72 hours, animal is forfeited and defendant loses all ownership rights; establishes provisions governing situations where person from whom animal was seized is indigent. - Amends TCA Title 39, Chapter 14, Part 2.

**\*SB 0392 by \*Black**

Sexual Offenders - As introduced, requires juveniles 14-18 adjudicated delinquent for commission of offenses of aggravated rape of a child, rape of a child, aggravated rape, and attempt to commit any such offense to register with the sex offender registry as a violent juvenile sexual offender. - Amends TCA Title 40, Chapter 39.

**SB 0393 by \*Tracy (\*HB 0107 by \*Lundberg )**

Motor Vehicles - As introduced, prohibits sending or reading text messages while operating a motor vehicle. - Amends TCA Title 55.

**\*SB 0394 by \*Tracy (HB 0567 by \*Cobb C )**

Physicians and Surgeons - As introduced, provides that immunity from civil liability for health care professionals volunteering without compensation at free clinics still extends to such volunteers when the clinic accepts a contribution for the services. - Amends TCA Title 63.

**\*SB 0395 by \*Tracy**

Vending Machines - As introduced, requires vending machines located on state property to either use energy efficient lights for advertising or have the lights used solely for advertising removed. - Amends TCA Title 12, Chapter 2, Part 1 and Title 53, Chapter 12, Part 1.

**\*SB 0396 by \*Tracy**

Transportation, Dept. of - As introduced, revises duties of the commissioner to require the estimated dollar amount needed to implement the long range and coordinated statewide transportation plan be reported to the general assembly every year or more frequently as the commissioner may determine. - Amends TCA Title 4 and Title 54.

**\*SB 0397 by \*Tracy**

Transportation, Dept. of - As introduced, revises duties of the commissioner to require the estimated dollar amount needed to implement the long range and coordinated statewide transportation plan be reported to the general assembly every year or more frequently as the commissioner may determine. - Amends TCA Title 4; Title 9; Title 47; Title 54; Title 55 and Title 65.

**\*SB 0398 by \*Tracy**

Highways, Roads and Bridges - As introduced, deletes the authority of the commissioner of finance and administration to transfer department of transportation funds and programs in the highway fund to the state general fund. - Amends TCA Section 4-3-1016.

**\*SB 0399 by \*Tracy**

Public Contracts - As introduced, subjects the contract amount for public works contracts in excess of \$100,000 for which contractor is required to post 25 percent bond to annual incremental increases based on the consumer price index as published by U.S. Bureau of Labor Statistics. - Amends TCA Title 12.

**\*SB 0400 by \*Tracy**

Motor Vehicles - As introduced, increases the distance of the required unobstructed view of stopped vehicles upon any highway outside of a business or residential district from 200 feet to 300 feet. - Amends TCA Title 55.

**\*SB 0401 by \*Tracy**

Highways, Roads and Bridges - As introduced, increases time for filing inventory of county highway machinery, equipment, tools, supplies, and materials from 60 to 75 days from date chief administrative officer takes office. - Amends TCA Title 54.

**\*SB 0402 by \*Burchett**

Charitable Solicitations - As introduced, exempts from certain charitable solicitation regulatory requirements certain service providers, licensed by the department of mental health and mental retardation, who contract with the department of finance and administration to provide certain services for persons with mental retardation. - Amends TCA Title 48, Chapter 101, Part 5.

**\*SB 0403 by \*Henry (HB 0529 by \*Hackworth )**

Business and Commerce - As introduced, extends the joint select committee to study business taxes from June 30, 2009, until June 30, 2013. - Amends TCA Title 3, Chapter 15, Part 6.

(Senate Bills cont.)

**\*SB 0404 by \*Henry**

Tourism - As introduced, expands the categories of organizations eligible to receive matching state funds for tourist promotion plans and activities. - Amends TCA Section 4-3-2206(b) and Section 4-3-2207(b).

**SB 0405 by \*Henry (\*HB 0100 by \*Moore)**

Highway Signs - As introduced, "Corporal Jessie William Gammons Memorial Bridge," State Highway 100 in Metropolitan Nashville and Davidson County. -

**\*SB 0406 by \*Henry (HB 0528 by \*Hackworth)**

Unemployment Compensation - As introduced, extends the Tennessee job skills fee and adds members to the state unemployment compensation advisory council. - Amends TCA Title 50, Chapter 7.

**SB 0407 by \*Henry (\*HB 0203 by \*Moore)**

Public Records - As introduced, authorizes the county clerk of Davidson County to issue certified copies of birth certificates and death certificates. - Amends TCA Section 68-3-206.

**SB 0408 by \*Henry (\*HB 0462 by \*Odom)**

Narcotics - As introduced, makes concealing that one has received a controlled substance in an effort to obtain more of that substance a Class A misdemeanor and requires certain health care professionals to report suspicion of such to local law enforcement without civil liability. - Amends TCA Title 53, Chapter 11.

**SB 0409 by \*Henry (\*HB 0463 by \*Odom)**

Narcotics - As introduced, makes concealing that one has received a controlled substance in an effort to obtain more of that substance a Class A misdemeanor and requires certain health care professionals to report suspicion of such to local law enforcement without civil liability. - Amends TCA Title 53, Chapter 11.

**\*SB 0410 by \*Henry**

Tort Liability and Reform - As introduced, exempts persons from civil liability for rendering or obtaining medical care or treatment to certain animals under specified circumstances. - Amends TCA Title 29, Chapter 34, Part 2.

**\*SB 0411 by \*Gresham**

School Boards - As introduced, allows local boards of education to refuse professional employees' organizations access to the school district's electronic mail system or Web site. - Amends TCA Section 49-5-609.

**SB 0412 by \*Gresham (\*HB 0441 by \*McDaniel)**

Tobacco, Tobacco Products - As introduced, clarifies that age-restricted venue exception to no smoking law applies only to patrons entering such facilities. - Amends TCA Title 39, Chapter 17, Part 18.

**SB 0413 by \*Watson (\*HB 0274 by \*Dean, Bass)**

Sheriffs - As introduced, revises archaic language prohibiting members of the general assembly from being nominated or commissioned as, or practicing attorneys from serving as, sheriff and instead prohibits a person from engaging in the practice of law or serving as a member of the general assembly while serving as sheriff. - Amends TCA Section 8-8-101.

**SB 0414 by \*Watson (\*HB 0273 by \*Dean)**

Local Government, General - As introduced, clarifies that any provision of law or charter provision that requires a county or municipality to sell surplus property by public auction, such term includes sale by Internet auction. - Amends TCA Title 5; Title 6 and Title 7.

**SB 0415 by \*Watson (\*HB 0102 by \*McCormick)**

Education - As introduced, deletes requirement that extension of contract of director of schools be the first item on the agenda for the meeting at which action on the contract is to be taken. - Amends TCA Section 49-2-203.

**\*SB 0416 by \*Watson**

Mental Retardation - As introduced, specifies that new ICF/MR beds must be filled by persons from the developmental centers or from the wait list; requires that the division of mental retardation services approve the persons to fill the new beds. - Amends TCA Title 33; Title 68, Chapter 11 and Section 71-5-105.

(Senate Bills cont.)

**SB 0417 by \*Marrero B (\*HB 0324 by \*Jones S )**

Education - As introduced, restates provisions governing reporting of suspected child abuse by personnel of educational institutions and release of related records. - Amends TCA Title 10; Title 37 and Title 49.

**\*SB 0418 by \*Bunch (HB 0535 by \*Bell )**

General Assembly, Studies - As introduced, creates joint legislative study committee to study the issue of whether using a process similar to the process used by the judicial selection commission in selecting appellate judges would be beneficial to helping select members for certain boards and commissions. - Amends TCA Title 4; Title 49 and Title 70.

**\*SB 0419 by \*Bunch**

Election Laws - As introduced, increases size of state election commission from five to seven members. - Amends TCA Title 2, Chapter 11 and Title 2, Chapter 12.

**\*SB 0420 by \*Bunch**

Tort Liability and Reform - As introduced, limits the liability of any facility contracting with the department of mental health and developmental disabilities to provide residential services for individuals with developmental disabilities or mental retardation. - Amends TCA Title 9, Chapter 8, Part 3 and Title 33.

**\*SB 0421 by \*Bunch**

Education - As introduced, allows the sale of 12 ounce products in middle schools. - Amends TCA Section 49-6-2307.

**SB 0422 by \*Bunch (\*HB 0429 by \*Bell )**

Schools, Home - As introduced, authorizes home-schooled students to participate in athletics in public schools if they comply with certain conditions. - Amends TCA Title 49, Chapter 6.

**\*SB 0423 by \*Bunch**

Juvenile Offenders - As introduced, requires hearings for juvenile traffic offenders to be held at a time that does not interfere with the child's academic schedule. - Amends TCA Section 37-1-146.

**\*SB 0424 by \*Bunch**

Homestead Exemptions - As introduced, clarifies that \$25,000 homestead exemption for individuals with one or more minor children in such individual's custody applies whether or not such individual is the head of a family and only applies upon real property used by the individual and the minor children as a principal place of residence. - Amends TCA Title 26, Chapter 2, Part 3.

**\*SB 0425 by \*Bunch (HB 0536 by \*Bell )**

Human Services, Dept. of - As introduced, requires department to develop and maintain a Web page that allows inquiries and departmental responses relating to child care policies and procedures. - Amends TCA Title 4, Chapter 3, Part 12 and Title 71.

**\*SB 0426 by \*Bunch**

Judicial Districts - As introduced, requires the general assembly to redistrict the judicial districts by November 1, 2010, and every 10 years thereafter, to reflect the increases and shifts in population. - Amends TCA Title 16 and Title 17.

**\*SB 0427 by \*Bunch**

Law Enforcement - As introduced, authorizes constables and sheriff in Bradley County to serve warrants and summonses issued by general sessions courts; authorizes private process servers to serve such warrants or summonses if service is not made within 30 days. - Amends TCA Title 8.

**SB 0428 by \*Bunch (\*HB 0534 by \*Bell )**

Highways, Roads and Bridges - As introduced, exempts McMinn County from educational and experience requirements for county highway superintendents. - Amends TCA Title 54, Chapter 7, Part 1.

**\*SB 0429 by \*Bunch**

Real Property - As introduced, authorizes right of redemption within one year from the date of the recording of tax deed, rather than from date property was sold. - Amends TCA Title 67, Chapter 5.

**\*SB 0430 by \*Bunch**

Workers Compensation - As introduced, defines the AMA guide for impairment ratings to mean the 5th edition of the Guides, instead of either the 6th edition or any new edition that is designated by the general assembly. - Amends TCA Title 50, Chapter 6.

(Senate Bills cont.)

**SB 0431 by \*Bunch (\*HB 0537 by \*Bell )**

Tobacco, Tobacco Products - As introduced, requires posting of signs stating that smoking is permitted in establishments, instead of signs stating that smoking is prohibited. - Amends TCA Title 39, Chapter 17, Part 18.

**\*SB 0432 by \*Bunch**

Unemployment Compensation - As introduced, authorizes officers of corporations to exempt themselves from unemployment law provisions. - Amends TCA Title 50, Chapter 7.

**SB 0433 by \*Bunch (\*HB 0431 by \*Bell )**

Schools, Home - As introduced, provides that diplomas issued by home schools are recognized by all state and local governmental entities as having the same rights and privileges of diplomas issued by public school systems. - Amends TCA Title 1, Chapter 3.

**SB 0434 by \*Bunch (\*HB 0423 by \*Bell )**

Administrative Procedure (UAPA) - As introduced, delays effective date of rules until reviewed by joint government operations committees. - Amends TCA Title 4, Chapter 5, Part 2.

**SB 0435 by \*Bunch (\*HB 0422 by \*Bell )**

Animals and Animal Cruelty - As introduced, deletes provisions relative to state licensing of dog and cat dealers. - Amends TCA Title 44, Chapter 17.

**\*SB 0436 by \*Overbey**

Evidence - As introduced, specifies that in any criminal proceeding involving certain sex offenses committed against a victim less than 13 years of age the testimony of a forensic interviewer is admissible. - Amends TCA Title 9, Chapter 4, Part 2; Title 24, Chapter 7, Part 1; Title 37, Chapter 1 and Title 40, Chapter 17.

**\*SB 0437 by \*Overbey**

Criminal Offenses - As introduced, creates Class A misdemeanor offense of possession of a tool or device designed to disable a security device used for the purpose of preventing the theft of retail merchandise. - Amends TCA Title 39, Chapter 14, Part 7.

**\*SB 0438 by \*Overbey**

Pensions and Retirement Benefits - As introduced, permits certain retired general sessions judges to participate in the health insurance plan for employees of local government under certain conditions. - Amends TCA Section 8-27-207.

**\*SB 0439 by \*Overbey**

Adoption - As introduced, requires the department of children's services to provide certain post-adoption services. - Amends TCA Title 36, Chapter 1, Part 1.

**\*SB 0440 by \*Overbey**

Election Laws - As introduced, requires that person losing right to vote because of a felony conviction must pay all fines and court costs imposed before right to vote is restored. - Amends TCA Title 40, Chapter 29, Part 2.

**\*SB 0441 by \*Overbey**

Mental Health and Developmental Disabilities, Dept. of - As introduced, requires department of mental health and developmental disabilities to take certain action to ensure that crisis care services are available to all citizens. - Amends TCA Title 33, Chapter 6.

**\*SB 0442 by \*Overbey**

Medicine, Practice of - As introduced, adds the committee of a medical group practice to the definition of a medical review committee. - Amends TCA Title 63, Chapter 6, Part 2.

**\*SB 0443 by \*Overbey**

Hospitals and Health Care Facilities - As introduced, authorizes the board for licensing health care facilities to delegate to the department of health the authority to issue a new license to a successor owner of a health care facility when there has been a change of control if the successor owner meets the qualifications for the license. - Amends TCA Title 4 and Title 68.

**\*SB 0444 by \*Overbey**

Guardianship - As introduced, enacts the Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act. - Amends TCA Title 34 and Title 71.

(Senate Bills cont.)

**\*SB 0445 by \*Overbey**

Industrial Development - As introduced, expands the membership of the board of an industrial development corporation among two or more municipalities; expands the type of obligations for which the corporation may mortgage and pledge any or all of its projects as security for their payment. - Amends TCA Title 7, Chapter 53.

**\*SB 0446 by \*Overbey**

Medical Occupations - As introduced, requires the board of physical therapy to meet not less than quarterly. - Amends TCA Title 63, Chapter 13.

**\*SB 0447 by \*Overbey**

Special License Plates - As introduced, authorizes new specialty earmarked license plate to honor contributions of nurses in Tennessee; directs portion of proceeds to Tennessee Nurses Foundation. - Amends TCA Title 55, Chapter 4.

**SB 0448 by \*Overbey (\*HB 0523 by \*Brooks H)**

Taxes, Privilege - As introduced, requires the grantor, the grantor's agent or a trustee acting for the grantor as well as the grantee, the grantee's agent or a trustee acting for the grantee to each state under oath the actual consideration or value paid when realty is transferred to determine the recordation tax due; such requirements apply as well to quitclaim deeds. - Amends TCA Section 67-4-409.

**\*SB 0449 by \*Overbey**

Law Enforcement - As introduced, permits a municipality located in an urban area with an accredited police department to enforce, without restriction, traffic laws on all types of highways located within the municipality. - Amends TCA Title 55, Chapter 10, Part 3.

**\*SB 0450 by \*Overbey**

Highways, Roads and Bridges - As introduced, establishes presumptions of proximate cause of death, injury, or damage for certain motor vehicle accidents occurring within a construction zone; establishes immunity from claims for personal injury, property damage, or death arising from certain department of transportation projects. - Amends TCA Title 8, Chapter 42; Title 12, Chapter 4; Title 29 and Title 54.

**\*SB 0451 by \*Overbey**

Drug and Alcohol Rehabilitation - As introduced, adds assisting clients with applying for state and federal benefits to the statutory functions of licensed alcohol and drug abuse counselors. - Amends TCA Title 33; Title 68, Chapter 11 and Title 68, Chapter 24.

**\*SB 0452 by \*Overbey**

Education - As introduced, requires that TCAP tests be administered by LEAs during five-day period between last week of March and first three weeks of April each year. - Amends TCA Title 49, Chapter 6, Part 60.

**\*SB 0453 by \*Overbey**

Hospitals and Health Care Facilities - As introduced, extends nursing home bed privilege tax for two years until June 30, 2011; revises provisions governing delinquent tax. - Amends TCA Title 68, Chapter 11, Part 2.

**\*SB 0454 by \*Overbey**

Hospitals and Health Care Facilities - As introduced, extends prohibition on new nursing home bed certificates of need to June 30, 2010, except for 125 Medicare SNF beds. - Amends TCA Title 68, Chapter 11, Part 16.

**\*SB 0455 by \*Overbey**

Hospitals and Health Care Facilities - As introduced, specifies that the department of health, through the board for licensing health care facilities, has the authority to place nursing homes on probation for noncompliance; provides that documentation is required to show that community-based alternatives to long-term care are not desired by an individual or the individual's legal representative prior to nursing facility admission. - Amends TCA Title 68, Chapter 11 and Title 71, Chapter 5.

**SB 0456 by \*Black (\*HB 0459 by \*McDonald)**

Juveniles - As introduced, requires the state to pay for court ordered mental health evaluations of juveniles who have been charged with commission of an offense that would be a felony if committed by an adult and directs parents who are found financially able to pay for such exams to reimburse the facility or the state. - Amends TCA Title 37, Chapter 1.

(Senate Bills cont.)

**\*SB 0457 by \*Black**

Drugs - As introduced, authorizes nonprofit organizations to collect and distribute donated legend drugs to indigent persons. - Amends TCA Title 53, Chapter 10, Part 1.

**\*SB 0458 by \*Black**

Criminal Offenses - As introduced, creates Class A misdemeanor for person who repairs computer or who develops film and discovers material that a reasonable person believes sexually exploits a child and fails to report such discovery to law enforcement; offense punishable by fine only of \$2,500. - Amends TCA Title 39, Chapter 17, Part 10.

**\*SB 0459 by \*Black, Finney L**

Elderly Persons - As introduced, requires the select oversight committee on long-term care to annually assess the financing of the Option program and Long-Term Care Community Choices Act of 2008 and report to the house and senate standing finance committees; requires the fiscal review committee to report annually to the oversight committee on the impacts of the nursing home bed tax. - Amends TCA Title 4; Title 56; Title 57; Title 67; Title 68 and Title 71.

**\*SB 0460 by \*Black, Finney L**

TennCare - As introduced, requires the commissioner of finance and administration to report to certain legislative committees concerning effects of the nursing home transition initiative and authorizes the select oversight committee on long-term care to review outreach efforts relating to the Options program for community-based long-term care. - Amends TCA Title 68 and Title 71.

**\*SB 0461 by \*Black**

Sexual Offenders - As introduced, provides that person convicted of indecent exposure is required to register with the sexual offender registry regardless of the number of convictions if the victim of the offense is less than 13 years of age. - Amends TCA Title 40, Chapter 39, Part 2.

**\*SB 0462 by \*Berke (HB 0581 by \*Fincher)**

Sunset Laws - As introduced, removes from sunset provisions judicial evaluation commission and judicial selection commission. - Amends TCA Title 4, Chapter 29 and Title 17, Chapter 4.

**SB 0463 by \*Harper (\*HB 0129 by \*Hardaway)**

Human Rights Commission - As introduced, directs human rights commission to develop a Title VI compliance plan applicable to certain state governmental entities; sets out duties of human rights commission in regards to Title VI provisions. - Amends TCA Title 4, Chapter 3.

**SB 0464 by \*Harper (\*HB 0450 by \*Pruitt)**

Hospitals and Health Care Facilities - As introduced, in addition to conducting criminal background checks, requires that nursing homes conduct random drug testing for all of its direct care staff at least one time every year. - Amends TCA Title 33; Title 68 and Title 71.

**SB 0465 by \*Harper (\*HB 0448 by \*Pruitt)**

Hospitals and Health Care Facilities - As introduced, increases the amount of personal needs allowance from \$40.00 to \$50.00 for long-term nursing home residents. - Amends TCA Title 71.

**SB 0466 by \*Harper (\*HB 0449 by \*Pruitt)**

Hospitals and Health Care Facilities - As introduced, requires the commissioner of health to submit an annual report to the governor and the speakers of the general assembly by February 1 each year regarding nursing home inspection and enforcement activities and to make recommendations to improve the quality of care and quality of life in nursing homes. - Amends TCA Title 4; Title 7; Title 29; Title 33; Title 67; Title 68 and Title 71.

**\*SB 0467 by \*Harper**

Explosives - As introduced, authorizes local governments to enact more stringent blasting standards than state requirements. - Amends TCA Title 68, Chapter 105, Part 1.

**\*SB 0468 by \*Crowe**

Law Enforcement - As introduced, permits the disclosure of mental health records of a patient when requested by a state or federal law enforcement agency for the purpose of conducting a firearm criminal history background check on the patient. - Amends TCA Title 10, Chapter 7, Part 5; Title 24, Chapter 1, Part 2 and Title 33, Chapter 3, Part 1.

**SB 0469 by \*Johnson (\*HB 0480 by \*Hill)**

Employees, Employers - As introduced, clarifies it is not a discriminatory practice under state law for an employer to institute an English-only policy in the employer's workplace based on business necessity. - Amends TCA Title 4, Chapter 21, Part 4.

(Senate Bills cont.)

**\*SB 0470 by \*Johnson**

Public Health - As introduced, establishes a new methodology for disposition of family planning funds that disburses funds to public women's health services programs before other providers are funded. - Amends TCA Section 68-34-105.

**\*SB 0471 by \*Johnson**

Traffic Safety - As introduced, sets forth procedure whereby municipality seeks approval from TDOT for installation of traffic signals on state highways within such municipality. - Amends TCA Title 54, Chapter 5, Part 6.

**\*SB 0472 by \*Johnson**

Corporations, For Profit - As introduced, authorizes the formation of low-profit limited liability companies. - Amends TCA Title 48.

**\*SB 0473 by \*Johnson**

Pensions and Retirement Benefits - As introduced, changes the requirement that the firefighter representative to the board of trustees of the Tennessee consolidated retirement system be from a list submitted by the Tennessee professional fire fighters association instead of submitted jointly by the professional organizations that represent firefighters in this state. - Amends TCA Section 8-34-302.

**SB 0474 by \*Berke (\*HB 0070 by \*Fincher )**

Criminal Procedure - As introduced, deletes subsection in self-defense law providing that a person not justified in use of deadly force to prevent or terminate trespass on real property or unlawful interference with personal property. - Amends TCA Title 39, Chapter 11, Part 6.

**SB 0475 by \*Berke (\*HB 0067 by \*Fincher )**

Depositions - As introduced, allows court to award attorney fees and expenses if motion to quash subpoena is granted when deponent is exempt from subpoena. - Amends TCA Section 24-9-101.

**SB 0476 by \*Berke (\*HB 0069 by \*Fincher )**

Witnesses - As introduced, prohibits a party in a divorce proceeding from testifying against the party's incapacitated or mentally incompetent spouse. - Amends TCA Title 24, Chapter 1.

**SB 0477 by \*Bunch (\*HB 0561 by \*Kelsey )**

Education, Curriculum - As introduced, allows students to earn foreign language credit hours upon successful performance on a foreign language proficiency exam. - Amends TCA Title 49, Chapter 6, Part 12.

**SB 0478 by \*Bunch (\*HB 0563 by \*Kelsey )**

Ethics - As introduced, allows members of the ethics commission to hold or qualify for judicial office with no waiting period. - Amends TCA Section 3-6-103.

**SB 0479 by \*Bunch (\*HB 0562 by \*Kelsey )**

Transportation, Dept. of - As introduced, requires TDOT to set fees for ferry services on state highway system or maintained by state in amount sufficient to generate funds to fully pay cost of operation, equipment, and maintenance of such ferry. - Amends TCA Title 54, Chapter 13, Part 3.

**\*SB 0480 by \*Bunch**

Judges and Chancellors - As introduced, changes composition of the judicial selection commission; makes all meetings and records of the commission open to the public; requires judicial applicants to submit to work and credit history checks and to submit to criminal record checks; requires that certain judges be elected by voters within the respective grand divisions of the state. - Amends TCA Title 2; Title 4; Title 16 and Title 17.

**SB 0481 by \*Bunch (\*HB 0433 by \*Bell )**

Methamphetamine - As introduced, creates Class A misdemeanor offense of dumping chemicals, equipment, or other by-products used in the manufacture of methamphetamine and requires defendant to reimburse governmental entity for cost of clean-up. - Amends TCA Title 39, Chapter 17, Part 4.

**SENATE CONVENES AT 8:30 A.M., WEDNESDAY, FEBRUARY 11, 2009**



# HOUSE

## BILLS / RESOLUTIONS

- HJR 0043 by** \*Pitts, Johnson P, Johnson C  
Memorials, Recognition - The Leaf-Chronicle -
- HJR 0044 by** \*McDaniel  
Memorials, Professional Achievement - Kay Hart, Tennessee American Star of Teaching Award -
- HJR 0045 by** \*Cobb J  
Memorials, Personal Occasion - Virgil and Ruth Crane, 60th wedding anniversary -
- HJR 0046 by** \*Mumpower  
Memorials, Recognition - Virginia Intermont College, 125th anniversary -
- HJR 0047 by** \*Fitzhugh  
Memorials, Professional Achievement - Pat Head Summitt, 1000th victory -
- HJR 0048 by** \*Fitzhugh, Barker  
Memorials, Death - Specialist Keith Eric Essary, United States Army -
- HJR 0049 by** \*McDonald  
Memorials, Recognition - Rogers Group, 100th anniversary -
- \*HJR 0050 by** \*Cooper B, Hardaway, Miller L, Jones U, DeBerry J, Richardson, Camper, Turner L, Turner M, Kernell, Fincher, Towns, Gilmore, Pruitt, Brown  
General Assembly, Statement of Intent or Position - Urges Congress to enact Employee Free Choice Act. -
- \*HJR 0051 by** \*Cooper B, Hardaway, Miller L, Jones U, DeBerry J, Richardson, Camper, Turner L, Turner M, Kernell, Fincher, Towns, Gilmore, Pruitt, Coley, Brown  
General Assembly, Statement of Intent or Position - Urges the department of education to promote the teaching of the history of the labor movement in schools throughout the state. -
- \*HJR 0052 by** \*McDonald, Turner L, Naifeh, Maddox, Litz, Odom, Winningham, Borchert, Moore, Cobb T, Jones S, Fraley, Tidwell, Sontany, Coleman, Pruitt, Favors, Shaw, Cobb C, Tindell, Fitzhugh, Harmon, Camper, Armstrong, Hackworth, Pitts, Richardson, Hardaway, DeBerry J, Bone, Yokley, Fincher, Turner M, Kernell, Stewart, Shepard, Brown, Gilmore  
General Assembly, Statement of Intent or Position - Supports erection of statues honoring Nobel Prize recipients, Cordell Hull and Al Gore, on State Capitol grounds using solely private funds. -
- HJR 0053 by** \*Hardaway  
Transportation, Dept. of - Urges department to study establishment of voluntary emergency notification system on electronic billboards. -
- HJR 0054 by** \*Lundberg  
Memorials, Death - James Pierce -
- HJR 0055 by** \*Bone, Ford, Borchert, Bass, Weaver, Shaw, Halford, Faulkner, Niceley, McDaniel  
Memorials, Recognition - Tennessee National Guard, 1-16th Agribusiness Development Team -
- HJR 0056 by** \*Montgomery  
Memorials, Retirement - Gary Householder.
- HJR 0057 by** \*Camper, Cooper B, Miller L, Turner L, Kelsey, Coley, Todd, Jones U, Kernell  
Memorials, Recognition - Louis Martin -
- HJR 0058 by** \*Camper, Cooper B, Favors  
Memorials, Recognition - Earl Stafford, Sr., and the Stafford Foundation -
- \*HJR 0059 by** \*Harmon  
General Assembly, Studies - Continues special joint committee established by HJR 909 of 105th General Assembly to study Tennessee's transportation funding system. -
- HB 0447 by** \*Pruitt, Moore, Odom, Sontany, Stewart, Jones S, Gilmore, Turner M, West (\*SB 0267 by \*Harper, Haynes )  
Special License Plates - As introduced, authorizes issuance of Music City Inc. Foundation new specialty earmarked plates; allocates 50 percent of funds produced from sale thereof to the Music City Inc. Foundation. - Amends TCA Title 55, Chapter 4.
- \*HB 0448 by** \*Pruitt (SB 0465 by \*Harper )  
Hospitals and Health Care Facilities - As introduced, increases the amount of personal needs allowance from \$40.00 to \$50.00 for long-term nursing home residents. - Amends TCA Title 71.

(House Bills cont.)

**\*HB 0449 by \*Pruitt (SB 0466 by \*Harper )**

Hospitals and Health Care Facilities - As introduced, requires the commissioner of health to submit an annual report to the governor and the speakers of the general assembly by February 1 each year regarding nursing home inspection and enforcement activities and to make recommendations to improve the quality of care and quality of life in nursing homes. - Amends TCA Title 4; Title 7; Title 29; Title 33; Title 67; Title 68 and Title 71.

**\*HB 0450 by \*Pruitt (SB 0464 by \*Harper )**

Hospitals and Health Care Facilities - As introduced, in addition to conducting criminal background checks, requires that nursing homes conduct random drug testing for all of its direct care staff at least one time every year. - Amends TCA Title 33; Title 68 and Title 71.

**HB 0451 by \*Dunn (\*SB 0283 by \*Black )**

Local Education Agency - As introduced, requires, rather than encourages, school districts to include certain criteria in policies prohibiting harassment, intimidation, or bullying. - Amends TCA Section 49-6-1016.

**\*HB 0452 by \*Dunn**

Special License Plates - As introduced, extends time period for Tennessee urban forestry council new specialty earmarked plates to meet minimum issuance requirements until July 1, 2010. - Amends TCA Title 55, Chapter 4.

**HB 0453 by \*McDonald (\*SB 0115 by \*Black )**

Highway Signs - As introduced, "Cora Cline Memorial Highway," segment of State Route 174 in Sumner County. -

**\*HB 0454 by \*McDonald**

Mining and Quarrying - As introduced, enacts the "Tennessee Non-Coal Surface Mining Law." - Amends TCA Title 59, Chapter 8, Part 2.

**\*HB 0455 by \*McDonald**

Water Pollution - As introduced, prohibits the department of environment and conservation from issuing permits related to surface mining activities under certain circumstances. - Amends TCA Title 59 and Title 69, Chapter 3.

**\*HB 0456 by \*McDonald**

Wildlife Resources Commission - As introduced, requires governor to provide copy of statement of all charges against commissioner of TWRC and findings on such charges, in the event of commissioner's removal, to senate and house speakers. - Amends TCA Title 70, Chapter 1, Part 2.

**\*HB 0457 by \*McDonald**

Tennessee Bureau of Investigation - As introduced, establishes the Silver Alert system within the TBI to provide statewide information distribution regarding missing person suffering from dementia or other cognitive impairment. - Amends TCA Title 38, Chapter 6, Part 1.

**\*HB 0458 by \*McDonald**

Water Resources - As introduced, enacts the "Drinking Water Access and Resources Planning Act of 2009." - Amends TCA Title 68, Chapter 221.

**\*HB 0459 by \*McDonald (SB 0456 by \*Black )**

Juveniles - As introduced, requires the state to pay for court ordered mental health evaluations of juveniles who have been charged with commission of an offense that would be a felony if committed by an adult and directs parents who are found financially able to pay for such exams to reimburse the facility or the state. - Amends TCA Title 37, Chapter 1.

**\*HB 0460 by \*Odom**

State Employees - As introduced, authorizes retired state employees with at least 30 service years, in addition to present full-time employees, to attend one course per term, without tuition costs or fees, at a state-supported institution. - Amends TCA Title 8, Chapter 50, Part 1 and Title 49, Chapter 7, Part 1.

**\*HB 0461 by \*Odom**

Workers Compensation - As introduced, increases the number of nonvoting members on the advisory council on workers' compensation from seven to eight; adds a person nominated by the Tennessee Chiropractic Association. - Amends TCA Section 50-6-121.

(House Bills cont.)

**\*HB 0462 by \*Odom (SB 0408 by \*Henry )**

Narcotics - As introduced, makes concealing that one has received a controlled substance in an effort to obtain more of that substance a Class A misdemeanor and requires certain health care professionals to report suspicion of such to local law enforcement without civil liability. - Amends TCA Title 53, Chapter 11.

**\*HB 0463 by \*Odom (SB 0409 by \*Henry )**

Narcotics - As introduced, makes concealing that one has received a controlled substance in an effort to obtain more of that substance a Class A misdemeanor and requires certain health care professionals to report suspicion of such to local law enforcement without civil liability. - Amends TCA Title 53, Chapter 11.

**\*HB 0464 by \*Odom**

Medicine, Practice of - As introduced, authorizes nurse practitioners and physician assistants to sign death certificates. - Amends TCA Title 68, Chapter 3.

**\*HB 0465 by \*Odom**

Medicine, Practice of - As introduced, authorizes nurse practitioners and physician assistants to certify disability or deafness to the department of revenue for the purpose of obtaining disabled license tags. - Amends TCA Title 38, Chapter 8 and Title 55, Chapter 21.

**\*HB 0466 by \*Odom**

State Employees - As introduced, authorizes retired state employees to participate in the optional dental plan for state employees at retiree's expense. - Amends TCA Title 8, Chapter 27, Part 2.

**HB 0467 by \*Mumpower (\*SB 0020 by \*Ramsey )**

Highway Signs - As introduced, "SP4 Arthur Wayne Glover Memorial Bridge," S.R. 44 in Sullivan County. -

**\*HB 0468 by \*Harwell, Odom, Fitzhugh, Stewart**

Campaigns and Campaign Finance - As introduced, limits time a candidate and candidate's political campaign committee may make expenditures for advertising to no earlier than 120 days before an election and no later than 90 days after the last election in which the candidate participates. - Amends TCA Title 2, Chapter 10.

**\*HB 0469 by \*Kelsey, Turner M, Todd, McManus, Coley, Faulkner, Bell, Rich**

Public Officials - As introduced, provides that there is no residency requirement for the position of a municipal police officer, firefighter, EMT, or EMT-P, or to apply for any such position and gives person aggrieved by any residency requirement imposed a civil cause of action. - Amends TCA Title 6, Chapter 54.

**HB 0470 by \*Shepard (\*SB 0256 by \*Jackson )**

Highway Signs - As introduced, "William Fiser Memorial Bridge," Big Barton's Creek on State Route 48 in Dickson County. -

**\*HB 0471 by \*Cobb C**

Insurance Companies, Agents, Brokers, Policies - As introduced, clarifies that commissioner of commerce and insurance, or the commissioner's designee, shall serve as the state's representative to the interstate insurance product regulation commission. - Amends TCA Title 56.

**\*HB 0472 by \*Cobb C**

Safety - As introduced, requires the board of alarms systems contractors to conduct a contested case hearing pursuant to the UAPA when denying an application for license or registration. - Amends TCA Title 62, Chapter 32.

**\*HB 0473 by \*Cobb C**

Contracts - As introduced, clarifies that seals may be used for ceremonial purposes. - Amends TCA Title 47.

**HB 0474 by \*Harmon (\*SB 0311 by \*Stewart )**

Lottery, Scholarships and Programs - As introduced, allows a student with a documented medical disability that restricts the student's attendance to part-time to petition for an extension of time in which to receive a Tennessee HOPE scholarship. - Amends TCA Title 49, Chapter 4, Part 9.

(House Bills cont.)

**\*HB 0475 by \*Fraley**

Insurance, Fire and Casualty - As introduced, makes it an unfair trade practice and a violation of the Consumer Protection Act for an insurance company to use an individual's credit information to cancel, refuse a new risk, or to increase premiums on homeowners and renters policies. - Amends TCA Title 47 and Title 56.

**\*HB 0476 by \*Hardaway**

Law Enforcement - As introduced, provides that a law enforcement officer from another state does not have immunity or the power to arrest in this state when in fresh pursuit of suspect unless the officer is in compliance with the pursuit policy of the jurisdiction in which the pursuit occurs. - Amends TCA Title 40, Chapter 7, Part 2 and Title 55, Chapter 8.

**\*HB 0477 by \*Hardaway**

Law Enforcement - As introduced, provides that law enforcement officer from another state does not have immunity or power to arrest if in this state when in fresh pursuit of suspect unless the officer's communication device is compatible with the devices used in the jurisdiction of pursuit. - Amends TCA Title 40, Chapter 7, Part 2 and Title 55, Chapter 8.

**\*HB 0478 by \*Hardaway**

Criminal Offenses - As introduced, enacts the "Crime-Free School Zone Act"; requires certain criminal offenders be subject to satellite-based monitoring upon release to probation or parole. - Amends TCA Title 39; Title 40 and Title 49.

**\*HB 0479 by \*Hill**

Taxes, Exemption and Credits - As introduced, exempts from sales and use tax any tangible personal property or taxable services sold, given, or donated to any civic league or organization not organized for profit but operated exclusively for the promotion of social welfare that is exempt from federal income taxation under Internal Revenue Code, Section 501(c)(4). - Amends TCA Title 67, Chapter 6, Part 3.

**\*HB 0480 by \*Hill (SB 0469 by \*Johnson)**

Employees, Employers - As introduced, clarifies it is not a discriminatory practice under state law for an employer to institute an English-only policy in the employer's workplace based on business necessity. - Amends TCA Title 4, Chapter 21, Part 4.

**\*HB 0481 by \*Hill**

Dentists - As introduced, requires dentists, dental hygienists, and dental assistants to register and pay registration fees within 90, instead of 60, days after the registration becomes due; provides that the proportional fee for a license issued under an alternative interval method will be rounded to the nearest 50 cents, instead of 25 cents. - Amends TCA Title 63.

**HB 0482 by \*Harwell (\*SB 0112 by \*Black)**

Sexual Offenders - As introduced, removes exemption that allows sexual offender to be temporarily on school grounds, during school hours, for the purpose of making a mail, food, or other delivery. - Amends TCA Title 40, Chapter 39, Part 2.

**HB 0483 by \*Harwell (\*SB 0110 by \*Black)**

Law Enforcement - As introduced, requires law enforcement agency to report a missing child to the national crime information center within two hours of receiving a missing child report. - Amends TCA Title 37, Chapter 10, Part 2.

**HB 0484 by \*Harwell (\*SB 0113 by \*Black)**

Criminal Offenses - As introduced, adds to Class A misdemeanor of harassment communicating to a person under 18 and, without good cause, recklessly causing the person to be frightened or intimidated by the communication. - Amends TCA Title 39, Chapter 17, Part 3.

**\*HB 0485 by \*Bass**

Criminal Procedure - As introduced, prohibits parent from being issued arrest warrant against teacher without written approval of district attorney if the conduct alleged involved the teacher and a child of such parent. - Amends TCA Title 40.

**\*HB 0486 by \*Bass**

Fiscal Review Committee - As introduced, requires fiscal review committee to utilize average cost recovery paid to counties for housing state inmates, plus 10 percent, when preparing fiscal notes with incarceration costs. - Amends TCA Section 3-2-107 and Title 3, Chapter 7, Part 1.

(House Bills cont.)

**\*HB 0487 by \*Tidwell**

Highway Signs - As introduced, "Corporal David Carroll Westbrooks Memorial Highway," segment of S.R. 13 in Perry County. -

**\*HB 0488 by \*Tidwell**

Highway Signs - As introduced, "Veterans Memorial Highway," segment of U.S. 412. -

**HB 0489 by \*Tidwell (\*SB 0265 by \*Jackson )**

Criminal Offenses - As introduced, allows person who has permit to carry a handgun to carry gun in place where alcohol is served for consumption on premises if person is not consuming alcohol or is not otherwise prohibited by posting provisions. - Amends TCA Title 39, Chapter 17, Part 13.

**HB 0490 by \*Tidwell (\*SB 0263 by \*Jackson )**

Firearms and Ammunition - As introduced, allows probation and parole officers with valid handgun permit to carry handgun under same circumstances as law enforcement officers and allows board to require additional training if they carry during employment. - Amends TCA Title 39, Chapter 17, Part 13 and Title 40, Chapter 28.

**\*HB 0491 by \*Tidwell**

Highway Signs - As introduced, "Sheriff Elmer Garner Memorial Bridge," S.R. 13 in Perry County. -

**\*HB 0492 by \*Tidwell**

Taxes, Sales - As introduced, authorizes the creation of a municipal economic development zone in financially distressed communities; exempts businesses located in such zones from charging and collecting 50 percent of the sales and use tax; dedicates all sales taxes collected in such zones to the creating municipality for certain purposes. - Amends TCA Title 5; Title 6; Title 7 and Title 67.

**\*HB 0493 by \*Tidwell**

Alcoholic Beverages - As introduced, expands the Tennessee River Resort District for liquor-by-the drink applicable to Perry County to include the entire county, instead of limiting the area in such county to three miles from the bank of the Tennessee River, upon the adoption of a resolution by the county legislative body. - Amends TCA Section 57-4-102.

**HB 0494 by \*Fincher (\*SB 0098 by \*Berke )**

Consumer Protection - As introduced, creates a rebuttable presumption that price-gouging has been committed if there has been an immediate price increase of 25 percent or more for any consumer item; provides that the penalty for price-gouging may include a fine that is three times the amount of gross profits. - Amends TCA Title 47, Chapter 18, Part 51.

**HB 0495 by \*Todd (\*SB 0151 by \*Ketron )**

Veterans' Affairs, Dept. of - As introduced, creates state veterans' burial assistance fund to be administered by commissioner of veterans affairs; funds shall consist of any funds from U.S. Veterans Affairs for plot allowance for burials of state veterans and dependents and any state appropriation or private donation. - Amends TCA Section 8-30-306; Section 49-7-102; Title 58, Chapter 7; Title 58, Chapter 3 and Section 67-5-704.

**HB 0496 by \*Todd (\*SB 0142 by \*Ketron )**

Ethics - As introduced, allows family members of staff persons of the registry of election finance and ethics commission to make campaign contributions; clarifies that registry of election finance has jurisdiction over campaign contributions made by employers of lobbyists. - Amends TCA Title 2, Chapter 10; Title 3, Chapter 6 and Title 8, Chapter 50, Part 5.

**HB 0497 by \*Todd (\*SB 0141 by \*Ketron )**

Campaigns and Campaign Finance - As introduced, clarifies that an unexpended balance of contributions in a deceased candidate's campaign account may be allocated to any institution of public or private education in the state; allows family member of a staff person of the registry of election finance to make campaign contributions. - Amends TCA Title 2, Chapter 10.

**HB 0498 by \*Todd (\*SB 0140 by \*Ketron )**

Election Laws - As introduced, increases size of voting precincts from 5,000 registered voters to 6,000 registered voters; requires one voting machine for every 800 registered voters. - Amends TCA Title 2.

**HB 0499 by \*Todd (\*SB 0274 by \*Ketron )**

Alcoholic Beverages - As introduced, decreases time person must be resident of Tennessee to obtain retailer license or own stock in corporation who has retailer license from two years or at least 10 consecutive years to one year or at least five consecutive years. - Amends TCA Title 57.

(House Bills cont.)

**HB 0500 by \*Todd (\*SB 0167 by \*Ketron )**

Correction, Dept. of - As introduced, requires counties receiving correctional incentive subsidies to submit an accounting of such expenditures to the commissioner; if the facility has not been certified pursuant to state jail standards, prohibits grant of future subsidies unless required expenditures are made; authorizes the commissioner to reimburse counties for actual improvement expenditures. - Amends TCA Title 41.

**\*HB 0501 by \*Niceley, Roach**

Lottery, Charitable - As introduced, revises certain provisions of the Tennessee charitable gaming implementation law. - Amends TCA Title 39, Chapter 17, Part 1.

**HB 0502 by \*Todd (\*SB 0077 by \*Stanley )**

Eminent Domain - As introduced, enacts the "Property Owners Bill of Rights." - Amends TCA Title 5; Title 6; Title 7; Title 11; Title 12; Title 13; Title 29; Title 43; Title 64; Title 65; Title 68; Title 69 and Title 70.

**HB 0503 by \*Todd (\*SB 0084 by \*Stanley )**

Firearms and Ammunition - As introduced, authorizes person with a handgun permit who is not consuming alcohol to carry handgun in building where beer or alcoholic beverages are being served subject to posting of property provisions, and adds violation of possessing a firearm where alcohol is served as a reason for revocation of a person's handgun permit. - Amends TCA Title 39, Chapter 17.

**HB 0504 by \*Todd (\*SB 0165 by \*Ketron )**

Ethics - As introduced, combines the registry of election finance and the Tennessee ethics commission into the "commission of ethics and election finance." - Amends TCA Title 2; Title 3; Title 4 and Title 8.

**HB 0505 by \*Todd (\*SB 0164 by \*Ketron )**

Ethics - As introduced, imposes certain deadlines for issuance of certain advisory opinions and informal responses issued by the ethics commission or its staff; provides, in certain cases, for review and oversight by the attorney general. - Amends TCA Title 3, Chapter 6.

**HB 0506 by \*Todd (\*SB 0162 by \*Ketron )**

Sunset Laws - As introduced, transfers the duties of the ethics commission to the registry of election finance if the ethics commission automatically terminates and ceases to exist on June 30, 2009, pursuant to the provisions of the sunset law. - Amends TCA Title 2; Title 3; Title 4 and Title 8.

**HB 0507 by \*Todd (\*SB 0161 by \*Ketron )**

State Government - As introduced, abolishes the Tennessee ethics commission, transfers the powers and duties of the Tennessee ethics commission to the registry of election finance, and renames the registry of election finance as the commission of ethics and election finance. - Amends TCA Title 2; Title 3; Title 4 and Title 8.

**HB 0508 by \*Todd (\*SB 0177 by \*Norris )**

School Districts, Special - As introduced, allows any local education agency to convert to a special school district, notwithstanding the prohibition of the creation of new special school districts after April 30, 1982. - Amends TCA Section 49-2-501.

**HB 0509 by \*Carr, Coleman (\*SB 0214 by \*Tracy, Stewart )**

Highway Signs - As introduced, "SPC Raymond Neal Mitchell III Memorial Bridge," Interstate 24 and State Route 266 (Sam Ridley Parkway) in Town of Smyrna. -

**\*HB 0510 by \*Matheny**

Agriculture, Dept. of - As introduced, enacts the Pride of Tennessee program to be administered by the department to promote and distinguish products grown, made, or processed in Tennessee. - Amends TCA Title 4, Chapter 3, Part 2.

**\*HB 0511 by \*Matheny**

Lottery, Scholarships and Programs - As introduced, allows a student with a documented medical disability that restricts the student's attendance to part-time to petition for an extension of time in which to receive a Tennessee HOPE scholarship. - Amends TCA Title 49, Chapter 4, Part 9.

**\*HB 0512 by \*Matheny**

Taxes, Exemption and Credits - As introduced, exempts from sales or use tax tangible personal property or taxable services sold, given, or donated to any nonprofit school support organization. - Amends TCA Title 67, Chapter 6, Part 3.

**\*HB 0513 by \*Matheny**

Tort Liability and Reform - As introduced, increases governmental tort liability limits for actions arising on or after July 1, 2009. - Amends TCA Title 29, Chapter 20.

(House Bills cont.)

**\*HB 0514 by \*Matheny**

County Government - As introduced, authorizes the county legislative body, upon the adoption of a resolution, to pay an employee or official an amount equal to premium for group health insurance offered by the county if the employee or official elects not to participate in the group insurance coverage. - Amends TCA Title 8, Chapter 27, Part 5.

**\*HB 0515 by \*Matheny**

Local Government, General - As introduced, requires each local government to file an annual financial statement with the comptroller to include certain information. - Amends TCA Title 4; Title 5; Title 6 and Title 7.

**HB 0516 by \*Matheny (\*SB 0066 by \*Bunch )**

Criminal Offenses - As introduced, creates theft offense of making false statement or concealment of material fact for purpose of obtaining accommodation in housing project of a housing authority or for paying less rent than required for such dwelling. - Amends TCA Title 39, Chapter 11, Part 1 and Title 39, Chapter 14, Part 1.

**\*HB 0517 by \*Shaw**

Criminal Procedure - As introduced, requires expunction of certain criminal records under certain circumstances. - Amends TCA Title 40, Chapter 32.

**\*HB 0518 by \*Shaw, Shepard**

Economic and Community Development - As introduced, creates fund to guarantee bid, payment, and performance bonds for small contractors. - Amends TCA Title 4, Chapter 3, Part 7.

**HB 0519 by \*Todd (\*SB 0139 by \*Ketrone )**

Campaigns and Campaign Finance - As introduced, prohibits contributions from PACs after the 10th day before an election to coincide with reporting date of pre-primary and pre-general election statements. - Amends TCA Section 2-10-117.

**\*HB 0520 by \*Shaw**

Criminal Offenses - As introduced, allows inference that defendant committed offense of simple possession of controlled substance when controlled substance is found in defendant's blood that is lawfully obtained. - Amends TCA Title 39, Chapter 17, Part 4.

**HB 0521 by \*Rich, Dennis, Shipley (\*SB 0245 by \*Gresham )**

Firearms and Ammunition - As introduced, allows persons with handgun carry permit to carry in public parks, public postsecondary institutions, and restaurants where alcoholic beverages are being served; allows judges and district attorneys to carry firearms where law enforcement can carry if they have permit or appropriate training. - Amends TCA Title 39, Chapter 17, Part 13 and Title 70.

**HB 0522 by \*Rich, Shipley, Faulkner (\*SB 0388 by \*Gresham )**

Criminal Offenses - As introduced, provides that escaping from the lawful custody of a law enforcement officer constitutes the offense of escape the same as escaping from a penal institution. - Amends TCA Title 39, Chapter 16, Part 6.

**\*HB 0523 by \*Brooks H (SB 0448 by \*Overbey )**

Taxes, Privilege - As introduced, requires the grantor, the grantor's agent or a trustee acting for the grantor as well as the grantee, the grantee's agent or a trustee acting for the grantee to each state under oath the actual consideration or value paid when realty is transferred to determine the recordation tax due; such requirements apply as well to quitclaim deeds. - Amends TCA Section 67-4-409.

**\*HB 0524 by \*Pitts**

Employees, Public - As introduced, establishes a health care clinic for state employees as a pilot project with one site located in each grand division. - Amends TCA Title 4; Title 8 and Title 68.

**\*HB 0525 by \*Coley**

Criminal Offenses - As introduced, makes killing of another while committing domestic abuse first degree murder if there was past pattern of abuse upon victim and circumstances of death manifested extreme indifference to life. - Amends TCA Title 39, Chapter 13, Part 2.

**\*HB 0526 by \*Coley**

Domestic Violence - As introduced, provides that fourth or subsequent conviction for domestic assault or violation of a protective order is a Class E felony. - Amends TCA Title 39, Chapter 13, Part 1.

(House Bills cont.)

**HB 0527 by \*Coley (\*SB 0035 by \*Marrero B )**

Remedies and Special Proceedings - As introduced, allows court to deny name change petition if court believes it is to defraud, not made in good faith, will cause injury, or compromises public safety. - Amends TCA Title 29, Chapter 8, Part 1.

**HB 0528 by \*Hackworth (\*SB 0406 by \*Henry )**

Unemployment Compensation - As introduced, extends the Tennessee job skills fee and adds members to the state unemployment compensation advisory council. - Amends TCA Title 50, Chapter 7.

**HB 0529 by \*Hackworth (\*SB 0403 by \*Henry )**

Business and Commerce - As introduced, extends the joint select committee to study business taxes from June 30, 2009, until June 30, 2013. - Amends TCA Title 3, Chapter 15, Part 6.

**\*HB 0530 by \*Hackworth**

Tobacco, Tobacco Products - As introduced, requires notification to distributors and retailers of tobacco products when a tobacco product is excluded from the Tennessee Directory of Certified Manufacturers. - Amends TCA Title 67, Chapter 4, Part 26.

**\*HB 0531 by \*Hackworth**

Pensions and Retirement Benefits - As introduced, maintains level of creditable service and final average compensation for public employees whose hours of employment are reduced due to a shortage of funds. - Amends TCA Title 8.

**\*HB 0532 by \*Hackworth**

Safety, Dept. of - As introduced, requires department policies regarding secondary employment by its employees be promulgated as rules and regulations. - Amends TCA Title 4, Chapter 3, Part 20.

**\*HB 0533 by \*Dunn**

Open Meetings - As introduced, deletes the statutory sunset provision previously established for the provisions of Sections 8-44-108(b) and 8-44-109, relative to electronic participation in certain meetings. - Amends TCA Title 8, Chapter 44, Part 1.

**\*HB 0534 by \*Bell (SB 0428 by \*Bunch )**

Highways, Roads and Bridges - As introduced, exempts McMinn County from educational and experience requirements for county highway superintendents. - Amends TCA Title 54, Chapter 7, Part 1.

**HB 0535 by \*Bell (\*SB 0418 by \*Bunch )**

General Assembly, Studies - As introduced, creates joint legislative study committee to study the issue of whether using a process similar to the process used by the judicial selection commission in selecting appellate judges would be beneficial to helping select members for certain boards and commissions. - Amends TCA Title 4; Title 49 and Title 70.

**HB 0536 by \*Bell (\*SB 0425 by \*Bunch )**

Human Services, Dept. of - As introduced, requires department to develop and maintain a Web page that allows inquiries and departmental responses relating to child care policies and procedures. - Amends TCA Title 4, Chapter 3, Part 12 and Title 71.

**\*HB 0537 by \*Bell (SB 0431 by \*Bunch )**

Tobacco, Tobacco Products - As introduced, requires posting of signs stating that smoking is permitted in establishments, instead of signs stating that smoking is prohibited. - Amends TCA Title 39, Chapter 17, Part 18.

**\*HB 0538 by \*Harmon**

Motor Vehicles - As introduced, specifies that "rickshaw" does not include bicycles built for more than three persons or motorized scooters used by disabled persons for purposes of authorizing municipalities to regulate rickshaws and pedicabs. - Amends TCA Title 55.

**\*HB 0539 by \*Sontany**

Animal Control - As introduced, requires that forfeited amounts from deposits paid to agencies to ensure that adopted dogs and cats are spayed or neutered be used to conduct programs to spay and neuter dogs and cats in the community where the agency is located instead of being used to conduct educational programs in support of spaying and neutering. - Amends TCA Title 44, Chapter 17, Part 5.

**\*HB 0540 by \*Dean**

Newspapers and Publications - As introduced, designates certain online news publications as meeting statutory requirements for publication of legal notices. - Amends TCA Section 1-3-105; Title 30, Chapter 2 and Title 67, Chapter 5.



(House Bills cont.)

**\*HB 0541 by \*Litz**

Traffic Safety - As introduced, requires traffic signals located in intersections employing surveillance cameras for traffic safety to use minimum exposure time of five seconds for yellow light while maintaining three second minimum yellow light for other traffic signals. - Amends TCA Title 55, Chapter 8.

**\*HB 0542 by \*Litz**

Civil Procedure - As introduced, requires all filings, orders, notifications, or similar papers in any proceeding requiring the court to make a custody determination regarding a minor child be mailed to the parties by registered mail, return receipt requested, postage prepaid. - Amends TCA Title 36 and Title 37.

**\*HB 0543 by \*Litz**

Taxes, Inheritance Gift - As introduced, adopts amount of federal exclusion as amount of inheritance tax exemption for decedents dying in 2009 and continues at such amount for decedents dying in any year thereafter. -

**HB 0544 by \*Sontany (\*SB 0410 by \*Henry)**

Tort Liability and Reform - As introduced, exempts persons from civil liability for rendering or obtaining medical care or treatment to certain animals under specified circumstances. - Amends TCA Title 29, Chapter 34, Part 2.

**\*HB 0545 by \*Sontany**

Commerce and Insurance, Dept. of - As introduced, enacts the "Halfway House Registration Act." - Amends TCA Title 63.

**\*HB 0546 by \*Kelsey, Hensley**

TennCare - As introduced, requires the commissioner of finance and administration to seek a new federal waiver or an amendment to the TennCare waiver in order to implement a personal health accounts program. - Amends TCA Title 71.

**HB 0547 by \*Hensley (\*SB 0288 by \*Black )**

Vital Records - As introduced, requires the state registrar to reissue a death certificate upon an applicant submitting a certified letter and documentation from a medical examiner that the cause of death on the original certificate was incorrect or inaccurate. - Amends TCA Title 68, Chapter 3.

**\*HB 0548 by \*Hardaway**

Probation and Parole - As introduced, authorizes continuous satellite-based monitoring of any parolees and probationers. - Amends TCA Title 40 and Title 41.

**\*HB 0549 by \*Hardaway**

Education - As introduced, requires a city in which there is located a special school district with ADM of 10,000 or more and 75 percent of the district's students are eligible for free and reduced price lunch to maintain effort in funding such school system. - Amends TCA Title 49, Chapter 2, Part 2 and Title 49, Chapter 3, Part 3.

**\*HB 0550 by \*Hardaway**

Consumer Protection - As introduced, makes it a violation of the Consumer Protection Act to use any word in an advertisement or trade name referring to a governmental entity that may tend to mislead consumers to believe a private entity is, is acting for or on behalf of, or has a direct or indirect relationship to a governmental entity, when such use is false, inaccurate, or misleading. - Amends TCA Title 47.

**\*HB 0551 by \*Hardaway**

Credit and Debit Cards - As introduced, imposes civil and criminal penalties for clerks and retailers who knowingly fail to perform credit card identification checks at the point of sale. - Amends TCA Title 45 and Title 47.

**\*HB 0552 by \*Hardaway**

Education - As introduced, requires a city in which there is located a special school district whose boundaries are coterminus with the city's boundaries to maintain effort in funding such school system. - Amends TCA Title 49, Chapter 2, Part 2 and Title 49, Chapter 3, Part 3.

**\*HB 0553 by \*Hardaway**

Schools, Private and Charter - As introduced, allows charter schools to enroll any students, in addition to those presently eligible for enrollment, to the extent such students do not exceed 10 percent of the charter school's student capacity. - Amends TCA Title 49, Chapter 13, Part 1.

(House Bills cont.)

**\*HB 0554 by \*Kelsey**

District Attorneys - As introduced, creates 64 new assistant district attorney positions effective October 1, 2009; the district attorneys general conference to recommend where additional assistant DAs should be placed to the general assembly. - Amends TCA Title 8, Chapter 14 and Title 16, Chapter 2.

**\*HB 0555 by \*Kelsey**

Criminal Procedure - As introduced, defines "crime of force or violence"; provides that crime of force or violence committed while acting in concert with two or more persons is punished one classification higher than otherwise provided. - Amends TCA Title 39.

**\*HB 0556 by \*Kelsey (SB 0482 by \*Bunch )**

Education - As introduced, encourages LEAs to develop Education Pays pilot programs for at-risk students to encourage student academic achievement through monetary or other rewards. - Amends TCA Title 49, Chapter 1, Part 2.

**\*HB 0557 by \*Kelsey**

Education, Curriculum - As introduced, requires state board of education to mandate a semester course in personal finance for each high school student as requirement for graduation. - Amends TCA Title 49, Chapter 6, Part 12.

**\*HB 0558 by \*Kelsey**

TennCare - As introduced, subject to necessary federal approvals, provides for an optional prenatal care benefit in TennCare with co-payments, free transportation, and a visit schedule. - Amends TCA Title 71.

**\*HB 0559 by \*Kelsey**

Taxes, Ad Valorem - As introduced, requires property taxes to be fixed by the county or municipal legislative body unless the voters of the county have determined by referendum that all increases in property tax rates must be approved through a referendum; authorizes the referendum process. - Amends TCA Title 5; Title 6; Title 7; Title 67, Chapter 6, Part 1 and Title 67, Chapter 5.

**\*HB 0560 by \*Kelsey (SB 0484 by \*Marrero B )**

Public Funds and Financing - As introduced, enacts the "No Investment in Iran Act." - Amends TCA Title 4, Chapter 3, Part 24; Title 8, Chapter 34; Title 8, Chapter 35; Title 8, Chapter 36; Title 8, Chapter 37; Title 8, Chapter 5 and Title 9.

**\*HB 0561 by \*Kelsey (SB 0477 by \*Bunch )**

Education, Curriculum - As introduced, allows students to earn foreign language credit hours upon successful performance on a foreign language proficiency exam. - Amends TCA Title 49, Chapter 6, Part 12.

**\*HB 0562 by \*Kelsey (SB 0479 by \*Bunch )**

Transportation, Dept. of - As introduced, requires TDOT to set fees for ferry services on state highway system or maintained by state in amount sufficient to generate funds to fully pay cost of operation, equipment, and maintenance of such ferry. - Amends TCA Title 54, Chapter 13, Part 3.

**\*HB 0563 by \*Kelsey (SB 0478 by \*Bunch )**

Ethics - As introduced, allows members of the ethics commission to hold or qualify for judicial office with no waiting period. - Amends TCA Section 3-6-103.

**\*HB 0564 by \*Brooks H**

Education - As introduced, clarifies that the department which is to report on the design of a comprehensive plan to reduce the burden of asthma on students is the department of health; requires the report to be made to the education committees of the house and senate in addition to the senate general welfare, health and human resources committee and the house health and human resources committee. - Amends TCA Title 49.

**\*HB 0565 by \*Brooks H**

Education, Higher - As introduced, adds the chairs of the senate and house education committees as ex officio members of THEC, the UT board of trustees, and the board of regents; deletes obsolete provision with regard to membership of the board of regents. - Amends TCA Title 49, Chapter 14; Title 49, Chapter 7; Title 49, Chapter 8 and Title 49, Chapter 9.

**\*HB 0566 by \*Cobb C**

Law Enforcement - As introduced, authorizes a judicial district drug task force to petition the court for disposition of weapons confiscated by the task force. - Amends TCA Title 39, Chapter 17, Part 13.

(House Bills cont.)

**HB 0567 by \*Cobb C (\*SB 0394 by \*Tracy )**

Physicians and Surgeons - As introduced, provides that immunity from civil liability for health care professionals volunteering without compensation at free clinics still extends to such volunteers when the clinic accepts a contribution for the services. - Amends TCA Title 63.

**\*HB 0568 by \*Shepard**

Pharmacy, Pharmacists - As introduced, requires prescriptions for narcotic drugs to be written separately from other drugs. - Amends TCA Title 63.

**HB 0569 by \*Shepard (\*SB 0264 by \*Jackson )**

Game and Fish Laws - As introduced, authorizes TWRA to issue sport fishing and hunting licenses at no cost to Tennessee residents who are 100 percent disabled and receive social security disability. - Amends TCA Title 70, Chapter 2, Part 1.

**\*HB 0570 by \*Shepard**

Boards and Commissions - As introduced, prohibits conflict of interest policies of health related boards and committees from limiting persons from serving as an officer or in a policy-making role in a trade or professional organization. - Amends TCA Title 63, Chapter 1, Part 1 and Title 68, Chapter 11, Part 2.

**\*HB 0571 by \*Shepard**

Medical Occupations - As introduced, extends licensure as a radiologist assistant to any person who is a radiology practitioner assistant on the effective date of this act. - Amends TCA Title 63.

**HB 0572 by \*Camper, Miller L, Turner L, Kelsey, Coley, Jones U, Todd, Kernell (\*SB 0254 by \*Marrero B )**

Physicians and Surgeons - As introduced, exempts from civil liability physicians who voluntarily provide health care services to clinics that may charge its patients a fee. - Amends TCA Title 63, Chapter 6, Part 7.

**\*HB 0573 by \*Harmon**

Veterans - As introduced, provides that GI Bill educational benefits received by a veteran will not be deemed to constitute income if the veteran applies for any income-based state service or benefit. - Amends TCA Title 49 and Title 71.

**\*HB 0574 by \*Turner M (SB 0485 by \*Marrero B )**

Hospitals and Health Care Facilities - As introduced, increases maximum civil penalty for operating a facility without a valid certificate of need from \$500 to \$1,000 per day of continued operation. - Amends TCA Title 63 and Title 68.

**\*HB 0575 by \*Eldridge, McDaniel, Brooks H, Montgomery, Coleman, Johnson C, Brooks K, McManus, Maggart, Casada, Coley**

School Transportation - As introduced, removes requirement that commercial advertising on school buses be composed of black lettering on white background by requiring it be composed of lettering on background color. - Amends TCA Section 49-6-2109.

**\*HB 0576 by \*Eldridge, McDaniel, Brooks H, Montgomery, Johnson C, Coleman, Brooks K, McManus, Maggart, Casada, Coley, Lundberg**

Special License Plates - As introduced, authorizes issuance of a new specialty earmarked license plate for United Way; and allocates revenue from sale of such plates to the United Way of Tennessee. - Amends TCA Title 55, Chapter 4.

**\*HB 0577 by \*Matheny**

Education, Higher - As introduced, expands tuition exemptions for the children and spouses of certain veterans. - Amends TCA Section 49-7-102.

**\*HB 0578 by \*Matheny**

Criminal Offenses - As introduced, increases the classification of the criminal offense leaving the scene of an accident resulting in injury to another person from a Class A misdemeanor to a Class E felony. - Amends TCA Section 55-10-101.

**\*HB 0579 by \*Matheny**

Criminal Offenses - As introduced, increases the classification of the criminal offense leaving the scene of an accident resulting in death to another person from a Class E felony to a Class D felony; designates each victim as a separate offense; requires that sentences be served consecutively. - Amends TCA Section 55-10-101.

**\*HB 0580 by \*Fincher**

State Symbols - As introduced, designates "milk" as the official state beverage. - Amends TCA Title 4, Chapter 1, Part 3.

(House Bills cont.)

**HB 0581 by \*Fincher (\*SB 0462 by \*Berke )**

Sunset Laws - As introduced, removes from sunset provisions judicial evaluation commission and judicial selection commission. - Amends TCA Title 4, Chapter 29 and Title 17, Chapter 4.

**\*HB 0582 by \*Fincher, Coleman**

Criminal Offenses - As introduced, broadens the offense of second degree murder to include a knowing or intentional throwing, casting, hurling, projecting or shooting of any object, rock, stone, missile, projectile or any other substance at, on, or into any motor vehicle that results in death of another. - Amends TCA Title 39.

**\*HB 0583 by \*Fincher**

Criminal Procedure - As introduced, adds property received that is used as instrumentality in or in furtherance of violation of any criminal offense to criminal proceeds subject to forfeiture. - Amends TCA Title 39.

**\*HB 0584 by \*Fincher**

Law Enforcement - As introduced, permits the disclosure of mental health records when requested by a state or federal law enforcement agency for the purpose of conducting a firearm criminal history background check on the patient. - Amends TCA Title 10, Chapter 7, Part 5; Title 24, Chapter 1, Part 2 and Title 33, Chapter 3, Part 1.

**\*HB 0585 by \*Weaver**

Election Laws - As introduced, requires a voter to present qualified photographic identification before voting; voters without proper identification shall be allowed to cast provisional ballots. - Amends TCA Title 2, Chapter 7.

**\*HB 0586 by \*Todd**

Campaigns and Campaign Finance - As introduced, eliminates prohibition on campaign contributions from lobbyists to the governor or any member of the general assembly or any candidate for the office of governor, state senator, or state representative. - Amends TCA Title 3; Title 4; Title 5; Title 6; Title 7; Title 8; Title 9; Title 10; Title 11; Title 12; Title 13; Title 14; Title 15 and Title 16.

**HOUSE CONVENES AT 2:00 P.M., WEDNESDAY, FEBRUARY 11, 2009**